



UNITED STATES PARTMENT OF COMMERCE Unit d States Patent and Trademark Office

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FIRST NAMED INVENTOR APPLICATION NO. FILING DATE ATTORNEY DOCKET NO. 08/925,703 09/09/97 D ALLEN MICL: 024(97-**EXAMINER** TM02/0823 COE F. MILES OPIE.G ART UNIT PAPER NUMBER TROP PRUNER HU & MILES, PC 8554 KATY FREEWAY SUITE 100 2151 HOUSTON TX 77024 DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trad marks

08/23/01

1- File 2004

Advisory Action

Application No.	Applicant(s)	
08/925,703	Duane Le Allen	
Examiner	Art Unit	
George L. Opie	2151	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 13 August 2001 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either a timely filed amendment which places the application in condition for allowance or a Notice of Appeal. Alternatively, applicant may obtain further examination by timely filling a request for a Continued Prosecution Application (CPA) under 37 CFR 1.53(d).

or allowance or a Notice of Appeal. Alternatively, applican Continued Prosecution Application (CPA) under 37 CFR 1.	t may obtain furtner examination by timely filling a request for a 53(d).
PERIOD FOR REF	PLY [check only a) or b)]
 a) The period for reply expires months from the mailing date b) X In view of the early submission of the proposed reply (within the reply expires on the mailing date of this Advisory Action, OR of whichever is later. In no event, however, will the statutory permailing date of the final rejection. 	wo months as set forth in MPEP § 707.07 (f)), the period for continues to run from the mailing date of the final rejection,
have been filed is the date for purposes of determining the period of ex	e on which the petition under 37 CFR 1.136(a) and the appropriate extension fe dension and the corresponding amount of the fee. The appropriate extension the shortened statutory period for reply originally set in the final Office action; o
 A Notice of Appeal was filed on Appella 37 CFR 1.192(a), or any extension thereof (37CFR 1 	ant's Brief must be filed within the period set forth in I.191(d)), to avoid dismissal of the appeal.
The proposed amendment(s) will be entered upon the with requisite fees.	ne timely submission of a Notice of Appeal and Appeal Brief
The proposed amendment(s) will not be entered be	cause:
(a) they raise new issues that would require further	consideration and/or search. (see NOTE below);
(b) they raise the issue of new matter. (see Note be	elow);
(c) they are not deemed to place the application in issues for appeal; and/or	better form for appeal by materially reducing or simplifying the
(d) they present additional claims without canceling NOTE:	a corresponding number of finally rejected claims.
4 Applicant's reply has overcome the following rejectio	n(s):
5 Newly proposed or amended claim(s) would be canceling the non-allowable claim(s).	be allowable if submitted in a separate, timely filed amendment
	reconsideration has been considered but does NOT place the plicant has failed to amend the claims to distinguish over persuasive; see the attached (page 2) note.
 The affidavit or exhibit will NOT be considered becaraised by the Examiner in the final rejection. 	use it is not directed SOLELY to issues which were newly
8. \underline{x} For purposes of Appeal, the status of the claim(s) is a	as follows (see attached written explanation, if any):
Claim(s) allowed: <u>none</u> .	
Claim(s) objected to: <u>none</u> .	ST. JOHN COURTENAY III
Claim(s) rejected: <u>34-51</u> .	PRIMARY EXAMINER
Claim(s) withdrawn from consideration: none.	
9 The proposed drawing correction filed on	a) has b) has not been approved by the Examiner.
0 Note the attached Information Disclosure Statement 1 Other:	t(s)(PTO-1449) Paper No(s)

Page 2 of Advisory Action

Art Unit 2151 George L. Opie

j . idp ..

Application Control # 08/925,703 Attachment to Paper #22

Continuation of item 6 of Advisory Action:

The issue of the second configuration file and its scope as raised by Applicant has been addressed in the explanatory reasoning that discusses how the cited reference clearly meets this claim element as detailed in the Final Rejection, and Applicant has failed to amend the claims to distinguish over the prior art of record. It is noted that Applicant uses terminology that has broad meaning in the art, and thus requires a broad interpretation of the claims in determining patentability of the disclosed invention. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See In re Van Geuns, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Applicant should set forth claims in language that clearly, distinctly, unambiguously and uniquely defines the invention. The fact that Applicant has not significantly narrowed the definition/scope of the current claims implies that Applicant intends a coverage breadth of the claims that is met by the cited prior art. Consequently, the rejections as set forth in the previous Office Action are sustained.